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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6825 OF 2006

Smt.Sunita Sridhan Tawre — Petitioner
versus
Sridhar Shankar Tawre — Respondent

Mr.M.S.Kumthekar for petitioner.
Mr.M.B.Jadhav for respondent.

CORAM : A.S.OKA, J.

DATE : 07th February 2007

PC :

1. Heard learned counsel appearing for the parties. The respondent-husband has filed a petition for divorce under the provisions of Hindu Marriage Act against the petitioner. An application was made by the petitioner for amendment of her written statement for incorporating a prayer for permanent alimony in terms of Section 25 of the Hindu Marriage Act, 1955. The said application has been rejected by the learned Trial Judge by the order impugned in this petition.

2. The learned advocate appearing for the

respondent pointed out that the petitioner has made an application at Exhibit-39 u/s 25 of the said Act of 1955 for grant of permanent alimony. He pointed out that on 15th February 2006, an order has been made on the said application directing that the same shall be considered at the time of final hearing of the petition filed by the respondent.

3. In view of pendency of the application at Exhibit-39 and in view of express language of Section 25 of the said Act of 1955, the learned Trial Judge will have to consider the prayer for grant of permanent alimony u/s 25 under the said Act of 1955 at the time of deciding the matrimonial petition finally. In this view of the matter, it is not necessary to interfere with the impugned order.

4. Hence, the petition is disposed off. However, the learned Trial Judge is directed to decide the application at Exhibit 39 filed by the petitioner in accordance with law while finally disposing of the matrimonial petition filed by the respondent.

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(A.S.OKA, J.)